SIKKIM

GOVERNMENT GAZETTE

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Gangtok Tuesday 18th April, 2006 No. 110

GOVERNMENT OF SIKKIM
LABOUR DEPARTMENT
GANGTOK

NO.1/DL Dated:18TH April 2006.

NOTIFICATION

Whereas the draft of the Sikkim Labour Protection Rules, 2006 had been notified by the State Government vide Notification No.9/DL,dated 9.02.2006 and published in the Sikkim Government Extra-Ordinary Gazette No.40, dated, Tuesday, the 10th February, 2006, as required under sub-section (1) of Section 27 of the Sikkim Labour Protection Act, 2005, inviting views, comments and suggestions from all concerned within a period of 30 (thirty) days from the date of publication of the said notification in the Official Gazette;

And whereas no views, comments or suggestions has been received by the State Government from any corner;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 27 of the Sikkim Labour Protection Act, 2005, the State Government hereby makes the following rules, namely:-

THE SIKKIM LABOUR PROTECTION RULES, 2006

CHAPTER I

Short title and Commencement

1. (1) These Rules may be called the Sikkim Labour Protection Rules 2006.
(2) They shall come into force on the date of their Publication in Official Gazette.

Definitions

2. (1) In these rules, unless the subject or context otherwise requires:
(a) "Act" means the Sikkim Labour Protection Act, 2005.
(b) "Form" means a form appended to these rules.
(c) "Secretary" means the Secretary to Government of Sikkim in the Labour Department.
(d) "section" means a section of the Act.

(2) All other words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

CHAPTER-II

Manner of making application for Registration of Individual workers

3. (1) The application referred to in sub-section (1) of section 4 of the Act shall be made in triplicate, in Form I to the Registering Officer for the Registration of individual worker.

(2) The application referred to in sub-section (2) of Section 4 of the Act shall be made in triplicate, in Form II to the Registering Officer for the Registration of individual worker.

(3) The application referred to in sub-rule (1) and (2) shall be accompanied by a Bank Receipt showing payment of fees for registration of individual worker.

(4) Every application referred to in sub-rule (1) and (2) shall be either personally delivered to the Registering Officer or sent to him by registered post.

(5) On receipt of the application, the Registering Officer, shall after noting thereon the date of receipt by him of the application, give an acknowledgement to the applicant.

Grant of Certificate of Registration

4. (1) The Certificate of Registration granted to the individual worker under sub Section (3) of section 4 shall be in Form III
(2) The registering Officer shall maintain a register in Form IV showing the Particulars and passpost size photograph of individual worker duly attested by Registering Officer.
(3) The Registering Officer shall issue Token number to all the registered porters on payment of fee as prescribed under rule 13.

Circumstances in which application for regestration may be rejected.

5. (1) If any application for Registration is not complete in all respect, the Registering Officer shall reject the application so as to make it complete in all respects.
(2) If the applicant, on being required by the Registering Officer to amend his application for Registration, omits or fails to do so, the Registering Officer shall reject the application for Registration.

Amendment of Certificate of Registration

6. (1) If, in relation to individual worker and place of work, there is any change in particulars specified in the certificates of Registration, the Principal Employer/Contractor/Owner of the establishment or individual worker shall intimate to the Registering Officer, within fifteen(15) days f rom

the date of such change takes place, the particulars of, and reasons for, such change in Form VI

(2) Where, on receipt of the intimation of changes referred to in sub-rule (1), the Registering Officer is satisfied that there has occurred a change in the particulars in relation to individual worker and place of work / establishments, as entered in Form III, he shall amend the said register and record therein the change which has occurred.
Provided the Registering Officer shall not carry out any amendment in the register in Form IV and Identity Card of individual worker in Form V unless the appropriate fees have been deposited by Principal Employer/Contractor/Owner of the establishment or individual worker.

(3) Where the application for such amendment is refused, the Registering Officer shall record the reasons for such refusal and communicate the same to the applicant.

Matters to be taken into account in granting or refusing a Certificate of registration

7. In granting or refusing to grant an Identity card, the Registering Officer shall take the following matters into account, namely:-

(1) Whether the applicant:-

(a) is a minor or has not attended and completed 14 years of age,

(b) is of unsound mind and stands so declared by a competent Court, or

(c) is an undischarged insolvent, or

(d) has been convicted at any time during the period of five years immediately proceeding the date of application, for an offence which, in the opinion of the State Government, involves moral turpitude.

(2) Whether any order has been made in respect of the applicant under section 5, and if so, whether a period of three years has elapsed from the date of that order.

(3) Whether the prescribed fees has been deposited at the rates specified in rule 13.

Refusal to grant certificate of registration

8. (1) On receipt of application from the applicant, and as soon as possible thereafter, the Registering Officer shall investigate or cause investigation to be made to satisfy himself about the correctness of the fact and particulars furnished in such application and eligibility of the applicant for registration.

(2) Where the Registering Officer is of the opinion th at the Registration Certificate should not be issued, he shall, after affording reasonable opportunity to the applicant to be heard, make an order rejecting the application.

(3) The order shall record the reasons for the refusal and shall be communicated to the applicant.

Terms and Conditions for Certificate of Registration

9. (1) Every certificate o f registration granted under sub-rule (1) of Rule 4 shall be subject to the following conditions, namely:-

(a) The Certificate of registration shall be non-transferable.

(b) The registration certificate of individual worker granted shall be valid for a period of one year from the date of issue.

(c) The application for renewal shall be submitted to the Registering Officer not less than fifteen (15) days before the date of expiry of the Registration Certificate or of renewed Registration Certificate with token number as the case may be.

(d) The application for renewal of Identity Card shall be submitted to the Registering Officer not less than fifteen (15) days before the date of expiry of Identity Card.

(e) save as provided in these rules the fees paid for grant and renewal of Registration, Identity Card and other prescribed fees shall be non-refundable.

(f) The Identity card should be surrendered in the office of the Registering Officer after completion of work or leaves Sikkim on vacation or forever, as the case may be.

(g) The loss of Registration Certificate, Identity card, Token number must be reported to Police Station and Registering Officer.

(h) The Individual worker should abide with all instructions given by the Department of Labour from time to time.

(i) The worker should produce original copy of Registration Certificate, Identity Card, Token number whenever required by Registering Officer and other Officer equivalent to or above the rank of Inspector of the Labour Department.

(j) Every worker shall be entitled to benefits, facilities, protective clothing and wage as per law.

(k) If a worker works without being absent during the period of 6 (six) days consecutively in a week, he/ she shall be given one paid holiday either on Sunday or any other holidays.

(l) Normal working hours of the workers shall be 8 (eight) hours a day.

(m) The possession of certificate of Registration of Individual workers, Identity Card and Token number shall not confer on any individual status or claim of being an ordinary resident of the State.

(n) That Portars of Bazaar should wear a khaki Color shirt with Token number in red colour background with black colour inscribed size of 2 inches by 5 inches, as prescribed in From VII

Renewal of Certificate of Registration

10. (1) Every principal employer/employer/ contractor/ owner of establishments or individual worker may apply to the Registering Officer for renewal of Registration Certificate.

(2) The application for renewal of certificate shall be submitted to the Registering Officer not less than fifteen (15) days before the date of expiry in Form VIII in triplicate.

(3) The fees chargeable for renewal of Registration Certificate shall be same as for the grant thereof.

Provided that if the application for renewal is not received within the time specified in sub-rule (2), a fee of Rs. 1/- per day in excesses of the ordinary payable for the renewal of Identity Card shall be payable for such renewal.

Provided further that in case where the Registering Officer is satisfied that the delay in submission of the application is due to unavoidable circumstances beyond the control of the applicant, he may reduce or remit as he deems fit for the payment of such excess fees.

Period for renewal of Registration Certificate

11. Every Identity Card renewed under rule 10 shall be valid for a further of twelve months from the date of renewal.

Duplicate Registration certificate & Identity card

12. Where Registration certificate or Identify Card granted or renewed has been lost, defaced or accidentally destroyed, a duplicate thereof may be granted on payment of fees as prescribed under rule 13.

13. (1) The fees to be paid for the grant of Certificate of registration & renewal, duplicate and amendment shall be specified as below:

(a) Registration of individual worker	: Rs 100/-
(b) Renewal of Registration Certificate	: Rs 100/-
(c) Duplicate Registration Certificate	: Rs 100/-
(d) Amendment of Certificate of Registration	: Rs 100/-

(2) The fees to be paid for the grant of Identity card, renewal and duplicate shall be specified as below:-

(a) Issue of Identity Card	: Rs 100/-
(b) Renewal of Identity card	: Rs 100/-
(c) Duplicate Identity card	: Rs 100/-

(3) The fees to be paid for the grant of Token number shall be specified as below:

(a) Issue of Token number	: Rs. 50/-
(b) Duplicate Token number	: Rs. 50/-

(4) Fees to be paid for appeal memorandum shall be specified as below:

Appeal memorandum fee: : Rs.200/-

(5) Fees for obtaining copies of order of Registering Officer and Appellate Authority to be paid, shall be specified as below:-

Fees for a single copy of order : Rs. 5/- per copy

(6) Fees to be paid for Forms issued to Principal Employer / Employer/ Contractor/ Owner of establishment or individual workers shall be specified as below:-

(a) Form I triple copy	: Rs.10/-
(b) Form II triple copy	: Rs 10/-
(c) Form VI triple copy	: Rs 10/-
(d) Form VII triple copy	: Rs 10/-
(e) Form VIII triple copy	: Rs 10/-

(7) Every fee as referred to under the Act and the Rules shall be credited under the head" 0230 Labour & Employment other receipts".

(8) The registration, renewal and other fees are subject to change by way of Notification by the Government after interval of every 5 (five) years.

CHAPTER III

DUTIES AND OBLIGATION OF PRINCIPAL EMPLOYER/ EMPLOYER/ CONTRACTOR/OWNERS OF ESTABLISHMENT OR OF INDEPENDENT INDIVIAUAL WORKERS.

Particulars of workers

14. (1) Every Principal Employer / Employer / Contractor / Owner of establishments shall furnish to the Registering Officer the particulars of workers in Form I within 15 days from the date of commencement of employment.

(2) Every independent individual worker shall furnish to the Registering Officer his/ her particulars in Form II within 15 days from the date of his/ her self employment.

(3) It shall be the duty of Principal Employer/ Employer/ Contractor/ Owner of the establishments or independent individual worker to furnish change in particulars of workers and place of work/ establishments in Form VI to the Registering Officer within fifteen (15) days where any change occurs in any particulars so furnished.

(4) Principal Employer/Employer/Contractor/Owner of the establishment to furnish the list of workers who have left Sikkim to the Registering Officer after completion of works if any such worker leaves Sikkim on vacation or forever, with a copy to Police Station and the Inspector of the respective jurisdiction in Form IX.

Medical facilitates

15. (1) The Principal Employer/ Employer/ Contractor/ Owner of establishment shall ensure provision of suitable and adequate medical facilities of out-door treatment of the worker free of cost treatment of any ailment from which the worker may suffer during his employment in the establishment/ work place or to meet any preventive measure against epidemic or any virus infection. Whenever any medicine is purchased by a worker from the market on the prescription issued by any Doctor provided by the Principal Employer/ Employer/ Contractor, as the case may be, or any registered medical practitioner, the cost of such medicine shall be reimbursed by the Contractor to the worker concerned within a period of seven days from the date of presentation of the bill by the worker.

(2) In the event of worker suffering from any ailment requiring hospitalization during his employment in establishment / work place, the Contractor shall promptly arrange for the hospitalization of the worker. The Contractor shall bear entire expenses on treatment, hospital charges (including diet), if any, and travel expenses for patient from the place of his/her residence to the hospital and back.
Every contractor shall provide and maintain, so als o be readily accessible during all working hours, First – Aid Boxes at the rate of not less than one box for fifty workers. The First – Aid Box shall be distinctly marked with a Red Cross on a white ground and shall contain the following equipment:

(i) 6 small sterilized dressings;
(ii) 3 medium size sterilized dressings;
(iii) 3 large size sterilized dressings;
(iv) 3 large sterilized burn dressings;
(v) 1 (30 ml) bottle containing a two percent alcoholic solution of iodine;
(vi) 1 (30 ml) bottle containing salvolatile having the dose and mode of administration indicate on the label;
(vii) 1 snake- bite lancet;
(viii) 1 (30 gms) bottle of potassium permanganate crystals:
(ix) 1 pairs scissors;
(x) 1 copy of the first-aid leaflet issued by the Director-General, Factory Advisory Service and Labour Institutes, Government of India;
(xi) A bottle containing 100 tablets (each of 5 grains) aspirin;
(xii) Ointment for burns ;
(xiii) A bottle of suitable surgical antiseptic solution;

The persons in charge of the First – Aid Box shall be a person trained in First-aid treatment.

Protective clothings

16. (1) The Contractor/ Employer shall provide to every worker where the temperature falls below 20 degree centigrade, protective clothing consisting of one woolen coat and one woolen trousers, one pair of gumboot, one set in two years.
(2) Protective clothing shall be provided by the Employer/ Contractor to every worker before the on set of winter season in the area where the establishment/ work place is located or on the 30th day of September, which ever is earlier.

(3) The Employer/ Contractor shall provide to every worker namely, respiration masks where the workplace is full of dust, smokes, fumes etc. helmet where there is risk of falls, shooting of stones and muds etc.

Surrender of the Cretificate of Registration

17. It shall be the duty of Principal Employer/ Employer/ Contractor/ Owner of establishment etc.or independent individual worker to surrender the Certificate of Registation of workers /worker in the office of the Registering Officer after Completion of works, if any such worker leaves Sikkim on vacation or Forever, as the case may be.

Maintenance of Registers

18. It shall be the duty of Principal Employer/ Employer/ Contractor/ Owner of establishments to maintain a record in the register with particulars of workers namely: names , father's name/ husband's name, sex, age, permanent address, temporary address, designation, rates of wages, date of employment, nature of work with passport size photograph duly authenticated by the area Inspector and attested by the Registering Officer.

Notice to workmen's Compensation Commissioner

19. Principal Employer/ Employer/ Contractor/ Owner of establishments is liable to give the notice to the Commissioner for Workmen s' Compensation Sikkim under Section 10 (B) of the Workmen's Compensation Act, 1923 in case of fatal accident or serious bodily injury to any such worker while on duty.

CHAPTER - IV
OTHER FACILITIES TO BE PROVIDED TO WORKER

Other facilities

20. (1) It shall be the duty of every Principal Employer/ Employer/ Contractor / or the Owner of establishments, employing workers in connection with the work:-

(a) to ensure suitable conditions of work to such workers having regard to the fact that they are required to work,

(b) to provide and maintain suitable residential accommodation to such workers during the period of their employment with separate latrine and bathrooms for male and female workers.

(2) The quarters and barracks, as the case may be, shall have adequate supply of clean and wholesome drinking water.

(3) In every establishment wherein work regarding employment of workers is likely to continue for six (6) months and where in workers numbering one hundred or more are ordinarily employed, an adequate canteen shall be provided by the Principal Employer/ Employer/ Contractor

CHAPTER V
WAGES AND CONDITION OF SERVICE OF WORKERS

Rates of Wages of workers

21. (1) In case where such worker performs in any establishments; the same or similar kind of work as is being performed by any other worker in that establishments, be the same as those applicable to such other workers.

Provided that if there is any dispute in this regard or with regard to rate to applicability of wage rate to worker under sub-clause (a), sub-section (1) of the Section10, the same be decided by the Secretary to the Government, Department of Labour , whose decision shall be final.

(2) In a case where a male worker and female worker do the same and similar nature of work, then the Employer / Contractor/ Owner of establishment and in default of Contractor, the Principal Employer has to pay equal remuneration to both male and female workers without discrimination on the ground of sex.

(3) Every worker shall in no case, be paid less than the wages fixed and notified by the State Government under Minimum Wages Act,1948 or rates fixed by the State Government, as the case may be.

(4) If a worker works without absent during the period of 6 (six) days consecutively in a week, he/she shall be given one paid holiday either on Sunday or any other holidays.

Wage period 22. The wages of every worker employed in any work shall be paid:-
(a) before expiry of the seventh day of the succeeding month in any establishment where less than one thousand workers are employed;
(b) before expiry of the tenth day of the succeeding month in any establishments where more than one thousand workers are employed.
(c) all wages shall be paid in current coin or currency or in both.
Wages shall be paid without any deduction of any kind except those specified by the State Government by general or special order in this behalf or permissible under the Payment of Wages, Act, 1936.

Responsibility for payment of wages 23. Principal Employer/ Employer/ Contractor/ Owner of establishment shall be responsible for payment of wages to each worker employed by him and such wages shall be paid before the expiry of period as specified in clauses (a) and (b) of sub- section (2) of Section 10 and clauses (a), (b) and (c) of Rule 20.

Payment on termation 24. Where the employment of any worker is terminated by or on behalf of the Contractor, the wages earned by the worker shall be paid before the expiry of the second working day from the day on which his employment is terminated.

Working hours 25. Normal working hours of workers shall be 8 (eight) hours a day.

Extra wages for overtime 26. Where a worker works in establishment / workplace for more than nine hours a day including one hour rest for lunch or more than forty eight hours in a week, he/she shall in respect of overtime work, be entitled to wages at the rates of twice his ordinary rate of wages for the overtime period.
Provided that the overtime shall not spread over more than ten and half hours in any day.
Provided further that the Registering Officer may, for the reasons to be specified in writing, increase the spread over up to twelve hours.

Intervals for rest 27. The periods of work of the workers shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least one hour.
(5). An Inspector may, within the local limits for which he is appointed

Paid holidays 28. The workers are entitled for following paid holidays in a year.
26th January – Republic Day
1st May - May Day.
16th May - State Day.
15th August - Independence Day
2nd October - Gandhi Jayanti

5 Days - Festival Holidays at the option of the workers.

CHAPTER VI
INSPECTION AND ENFORCEMENT

Qualification of Inspectors

29. No person shall be appointed to be an Inspector under this Act,or having been so appointed, shall continue to hold office, if he has acquired directly or indirectly by himself or by any partner, any share or interest in any establishment/ work place to which the Act applies in the area for which he is to be or has been appointed.

Provided that nothing in this shall apply:-
(1) to any person who has been permitted by the authority competent to appoint him or in any name of any member of his family living with him or dependent on him, any share or interest in any registered Co-operative Bank or Co-operative Society or in any Public Limited Company, or
(2) to any person who acquires by inheritance any share or interest in an any firm or business but who is not a working partner therein.

Powers and Duties of the Inspector

30. (1) The Inspector shall make such examination as may appear to him to be necessary for the purpose of satisfying himself that the provisions of the Act and of these rules and any orders issued by the Government under the Act, are duly observed. In particulars, he shall satisfy himself;
(a) that the workers, are duly registered under the Act,
(b) that the registers, records and notices required to be maintained or observed under the Act or these rules are maintained and observed and that the limits of hours of work and spread over laid down under the Act , or these rules are not exceeded;
(c) that the provision of the Act in relation to Registration of workers, renewal of Registration Certificate, Identity Cards of workers and display of Token Number,condition of service, payment of wages, medical and other facilities are properly maintained, upto date provided and observed or not;
(d) that the provisions of the Act or Rules relating to minimum wages, payment of overtime, payment on termination are duly observed;
(e) that no child who has not completed the age of 14 years is allowed to work in any establishment/ work place.

(2). (a) The Inspector shall seize or take copies of such register, record of wages or notices or particulars of worker or portion thereof as he may consider relevant or an offence under sub clause (iv) of clause (a) of sub- section (2) of Section 13 and shall seize in seizure memo in Form X.
(b) The seized record shall be produced without delay before a Judicial Magistrate who may give directions as to the temporary custody as he thinks fit.
(c) The proceeding of presentation follows. Where no prosecution is instituted for contravention of the provisions of the Act and Rules within a period of six months from the date of seizure, the Judicial Magistrate shall direct the return of seized records, Registers to the persons from whom they were seized, in Delivery Memo in . Form XI.

(3) The Inspector may take photographs, video clips as he may consider necessary for the purpose of any examination or enquiry under the Act or the rules.

(4) An Inspector may, within the local limits for which he is appointed issue show- cause notice or warning to Employer/Principal Employer/

Contractor/ Owner of establishment regarding the safety, health, or welfare of workers provided under the Act or Rules.

(5). An Inspector may, within the local limits for which he is appointed, file in a Court of Judicial Magistrate a complaint or other proceeding relating to an offence under the Act and Rules.

Powers of Registering Officer

31. (1) The Registering Officer may exercise all the powers of an Inspector

(2). Prohibition order:-

(a) If it appears to the Registering Officer that any site or place at which any work is being carried on, is in such condition that it is dangerous to life, safety or health of workers or the general public he may, in writing serve on the Employer/ Principal Employer/Contractor/ Owner of establishments of workers or Site- in Charge of site/ place, an order prohibiting any work at each Site or place until measures have been taken to remove the cause of the danger to his satisfaction,

(b) The Registering officer serving an order under clause (a) shall endorse a copy to the Secretary to the Government, Department of Labour.

(c) Such prohibition order shall be complied with by the employer henceforth.

(d) Any person aggrieved by an order under clause (a), may, within 15 (fifteen) days from the date on which the order is communicated to him, may prefer an appeal to the Secretary to the Government, Department of Labour, who shall, after giving the appellant opportunity of being heard, dispose of the appeal as expeditiously as possible. Provided that the Secretary to the Government, Department of Labour, may entertain the appeal after the expiry of the said period of 15 (fifteen) days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time,
Provided further that the prohibiting, shall be complied with, pending the decision of the Secretary to the Government, Department of Labour, Or the Minister- in – Charge, Department of Labour,

(e) All the group B and above officers in the Department of Labour are empowered to issue prohibitory order,

Provided that, if such order is by the Secretary to the Government, Department of Labour, the appeal lies to the Minister- in- charge, Department of Labour.

CHAPTER VII
REGISTERS AND RECORDS

Attendance Register 32. Every Employer/ Contractor is bound to maintain the Attendance Register of the workers.

Payment Register 33. Every Employer/ Contractor is bound to maintain the payment Register of workers. Receipet of payment should be authenticated by the representative of the principal Employer's signature and signature of paying on the revenue stamp.

Register of Advance 34. Advance payment of wages should be maintained in Advance Register.

Register of Overtime 35. Overtime work should be separately maintained in the Register of Overtime.

Register of Deduction 36. Deduction made from the wages of workers by special or general order of the State Government or permissible under the Payment of Wages Act, 1936, shall be maintained in Deduction Register.

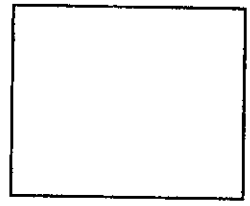
Medical Expenses Register	37.	Medical expenses incurred by worker free of cost should be maintained in the Medical Expenses Register.
Display of an abstract of the Rules	38	Every Employer, Contractor shall display the abstract of the Act and the Rules in English and in the language spoken by the majority of workers in such form as approved by the Government of Sikkim, Department of Labour
Notices	39.	Notices showing the rates of wages, hours of work, wage periods, date of payment of wages, name and address of Inspector having jurisdiction, shall be displayed in English and in the local language understood by the majority of workers in conspicuous places at the establishment and work site by the employer/contractor as the case may be.
Submission of half- yearly returns	40	Every Employer / Contractor/ Owner of establishments shall send half-yearly returns in Form XII (in triplicate) so as to reach the Registering Officer concerned within 30 days from the day of close of the half year. Note " half year" is for the purpose of these rules means " a period of six months commencing from 1st of July every year. "
Power to call for information	41.	(1) The Secretary or the Registering Officer or the Inspector or any other authority under the Act shall have the power to call for any information or statistics in relation to workers from any Principal Employer/ Employer/ Contractor /Owner of establishments at any time by an order in writing. (2) Any person called upon to furnish information under sub-rule (1) shall be legally bound to do so.
Power of Relaxation	42.	Notwithstanding any thing contained herein above, the State Government, in respect of matter which require the special consideration arising out of historical background or any other convention or in a case or class of cases required in the interest of justice, may relax any provision of these Rules in the public interest, and may provide for compliance of such requirement as may be considered expedient.

R.K.PURKAYASTHA, SSJS,
SECRETARY,
DEPARTMENT OF LABOUR,
GOVERNMENT OF SIKKIM,
GANGTOK.
F. NO. GOS/DL/215/04-05.

FORM I

(See sub-rule (1) of rule 3)

APPLICATION FOR REGISTRATION OF WORKER BY PRINCIPAL EMPLOYER/ EMPLOYER/ CONTRACTOR/ OWNER OF ESTABLISHMENTS.



1.Name of workers :

2.S/o .D/o w/o :

3.Village :

4.Ward No. /mouza :

5.Post Office :

6.Police Station :

7.Sub-division :

8.District :

State/zone :

Present Address

(Temporary) :

Place of work/

Working as :

Date of employment :

Name of principle Employer / Employer/

Contractor / Owner of establishment :

Panchayat ward :

Name of Gram Panchayat :

Registration Fees paid vide BR No./Date/ Rs.

Date :

Place :

Signature of Principal Employer/

Signature of worker;

(To be filled in the office of the Registering Officer)

Date of Receipt of Application with BR /for fees

Signature of Registering Officer

FORM II

(See sub - rule (2) of rule 3)

APPLICATION FOR REGISTRATION OF INDIPENDENT INDIVIDUAL WORKER

1. Name of workers :
2. S/o .D/o w/o :
3. Age :
4. Village :
5. Ward No :
6. Police Station :
7. Sub-division :
8. District :
9. Certificate from panchayat of the area concerned and also D.C/ S.D.O/ B.D.O regarding the character and antecedents of the applicant and being a ordinary resident of the area for more than 10 years (if the applicant was residing for less than 10 years above mentioned certificates from the place of previous place of residence to be furnished :
10. Certificate / NOC from the concerned police station regarding pendency or otherwise of any criminal complaint or investigation against the applicant :
11. Certificate from court P.I (Prosecution Inspector) of the concerned court about no criminal case pending against the applicant. If any case is pending the details thereof :
12. Details of landed property of the applicant :
13. Details of bank account of the applicant :
14. Whether the applicant was ever charged or convicted by any court of law :
15. Purpose of coming :
16. State/zone :
17. Present Address (Temporary) :
18. Working as since (Indicate Year):
19. Place of work :
20. Panchayat ward :
21. Registration Fees paid vide BR No./Date/ Rs.

Date:
Place:

Signature of Independent Individual worker,

(To be filled in the office of the Registering Officer)

Date of Receipt of application with Bank Receipt for fees.

Signature of Registering Officer.

FORM III
(See sub-rule (1) of rule 4)
GOVERNMENT OF SIKKIM
DEPARTMENT OF LABOUR
OFFICE OF THE REGISTERING OFFICER

Registration No. **Date.** **Fee paid Rs.**

CERTIFICATE OF REGISTRATION OF INDIVIDUAL WORKER.

Certificate of registration is granted to.....Father /husband name .....Age..... Designation..... Address.....Under section 4 of the Sikkim Labour Protection Act, 2005, subject to the terms & conditions specified in the annexure.

This certificate of registration is for doing the work of .... (Nature of work to be indicated) in the establishment of ..... (In the name of employer to be indicated) at ..... (Place of work to be indicated).

The certificate of registration shall valid for a period of one year from the date of issue &shall remain in force till date.....

Photograph

Round seal

Signature and seal of Registering Officer.

RENEWAL
(SEE RULE 10)

Date of Renewal	B R no./date	Amount	Date of expiry	Signature of Registering Officer.

1.
2.
3.
4.
5.

ANNEXURE
TERMS AND CONDITIONS:

1. The certificate of registration of individual worker shall be non-transferable.
2. The certificate of registration granted shall be valid for a period of one year from the date of issue.
3. The application for renewal shall be submitted to the registering officer not less than fifteen (15) days before the date of expiry.
4. The application for renewal of identity card shall be submitted to the registering officer not less than fifteen (15) days before the date of expiry.
5. The fees paid for grant and renewal of registration certificate, Identity card and token number shall be non-refundable.
6. That you should surrender the certificate of registration, Identity card and token number in the office of the registering officer after the completion of works and if you leave Sikkim on vacation or forever, as the case may be.
7. That the loss of certificate of Registration, Identity card, Token number must be reported to Police station &Registering Officer.
8. That you shall abide by all instructions given by the Department of Labour, Government of Sikkim from time to time.
9. That you shall produce your original copy of certificate of Registration, Identity card, token number whenever required to do so by the officer on or above the rank of Labour Inspector of the Department of Labour, Government of Sikkim.
10. That you shall be entitled to benefit, facilities, protective clothing, wages as per the law applicable in this regard or prescribed in act or Rules.
11. That every individual worker if works without being absent during the period of 6 (six) days consecutively in a week, he/she shall be given one paid holiday either on Sunday or any other Hat days.
12. Normal working hours of workers shall be eight (8) hours a day.
13. That the Porters of Bazaars shall wear a khaki colors shirt with Token No. in script in red colour background cloth size 2 inches by 5 inches (2"X 5") with black colour.
14. Provided further that, the possession of certificate of registration of individual worker, Identity card or Token number by non-local workers shall not confer on any individual status or claim of being an ordinary resident of Sikkim.

FORM IV
(See sub-rule (2) of rule 4)
REGISTER OF REGISTERED INDIVIDUAL WORKERS

Sl.no.	Registration Number & date	Name	F/H name	Age	Designation	Permanent Address	Temporary Address	Name of employer / contractor
1	2	3	4	5	6	7	8	9

Name of Work Place	I D card's Sl. No./ Token No.	B R No. / Date	Date of renewal of Certificate of Registration	Date of renewal of I D card	Vaild upto	Signature of Registration Officer	Signature of Worker
10	11	12	13	14	15	16	17

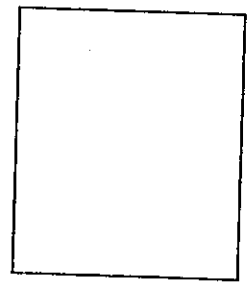
Photograph duly attested by Registering OfficerAnd round seal of Office.

FORM V

(See Sub- Rule (2) of rule 6)

LABOUR DEPARTMENT
GOVERNMENT OF SIKKIM

IDENTITY CARD



Sl.No. E/N/S/W .....

Name .....

Category .....

Employed by .....

Date of issue .....

Valid upto .....

Signature of the card holder **Issuing Authority**

1. This Identity card is not transferable and its loss must be reported to respective Police Thana and issuing Authority. Rs.100/- for issue of Duplicate Identity Card.
2. I.D. Card-holder may apply for renewal before 15 days of the expiry date.
3. This card is a permit to work within Sikkim only .
4. Permanent address (full) ....
   .....
5. Present address (full) ....
6. This card may be cancelled at any time by the Labour department, Government of Sikkim without giving any notice.
7. This card cannot be used as proof of resident of Sikkim.

FORM VI

(See sub-rule (1) of rule 6)

NOTICE OF CHANGE

Registration No. .....

Date.....

District.....

Name of Workers.....

To,

The Registering Officer,
Department of Labour,
Government of Sikkim.

Sir,

Notice is, hereby, given that the following changes have been taken place in respect of information forwarded to you in Form II. The certificate of registration is forwarded, herewith to be returned after recording necessary changes and amendments.

Description of changes.

1.

2.

3.

4.

5.

Amendment Fees paid vide B R No. / Date / Rs.

Place.....

Date..... .....

Signature of workers / Employer/ Principle employer / Contractor / Owner of Establishment / or a Person in charge.

FORM VII

(See sub – rule (3)of rule 9)

SPECIMENT OF TOKEN NUMBER

NO. .....

DEPARTMENT OF LABOUR

GOVERNMENT OF SIKKIM

FORM VIII

(See sub-rule (2) of rule 10)

APPLICATION OF RENEWAL OF IDENTITY CARD OF INDIVIDUAL WORKER.

1. Name of worker.....

2. Address (Temporary).....

3. Registration number &Date.....

4. Date of expiry .....

5. Whether the certificate of Registration was suspended or revoked.....

6. Number & date of Bank Receipt enclosed .....

Place.....

Date.....

Signature of Applicant.

FOR OFFICIAL USE ONLY

Date of Receipt of the Application .....

Bank Receipt No. / Date .....

Seal/ Signature of Registering Officer.

FORM IX

(See sub-rule (4) of rule 14)

PARTICULAR OF WORKERS WHO HAVE LEFT SIKKIM ON VACATION OR FOREVER.

To,

The Registering Officer,
Department of Labour.
Government of Sikkim.

Sir,

The following mentioned registered workers have left the Sikkim after completion of works for vacation forever .The Identity Cards are hereby surrendered in the office of the Registering Officer on.....

Name of Worker..... .....
I.D Card Sl. No.....

Place.....
Date.....
Copy to.....

Signature of Principal Employer
Employer/ Contractor/ Owner
Of the establishment / applicant.

1. The Inspector under Sikkim Protection Act, 2005 station .....
   .... for enforcement.
2. The Officer-in-Charge ....
   Police Station, for information.

FORM X

(See clause (a) of sub- rule (2) of rule 30).

SEIZURE MEMO

No.

Date:

In exercise of the power conferred on me under sub-clause (iv) of clause (a) of sub-section (2) of section 13 of the Sikkim Labour Protection Act, 2005, I hereby seize the registers and records of following description belonging to Shri/Smt..... ..... S/O/D/.O/W/O..... Residence of ..... who has been detected in contravention of the provisions of sub-section of section .....of the Sikkim Labour Protection Act, 2005.

Particulars of registers & records sized.

Time..... .....
Date.....
Place.....
Witness's Name/ Address..... .. ..
Signature.....

INSPECTOR,
Under Sikkim Labour Protection Act, 2005.
Department of Labour,
Government of Sikkim.

FORM XI

(See clause (c) of sub - rule (2) of rule 30)

DELIVERY MEMO.

NO.

The registers and records seized with description as given under Seizure Memo No. / date. .... hereby delivered to Shri. /Smt. Miss..... S/o. / D/o. / W./o ..... Resident of .....

Time.....

Date.....

Place.....

Received the said Registers & Records

Signature of receiver with date (with full name).....

INSPECTOR,
Under Sikkim Labour Protection Act, 2005,
Department of Labour,
Government of Sikkim.

FORM XII
(See rule 40)

(Return to be sent by the Contractor/ Employer /Owner of establishment to the Registering Officer under rule 38 of Sikkim Labour Protection Rules, 2006)

1. Name of Employer /Contractor /Owner of establishment;
2. Name and address of the establishment/ workplace;
3. Total no. of workers;
4. Details as under;

Sl.no.	Name of registered worker with Registration number.	Father / Husband's name.	Sex.	Designation.	Age.
1	2	3	4	5	6

Rates of daily wages	Date of employment.	Date on which ceased to be employed.	Total number of days worked.
7	8	9	10

Amount paid	Total overtime	Worked Amount paid	Deduction of amount from wages (if any)
11	12	13	14

Total expenses on Medical treatment incurred.	Other facilities.	Remarks.
15	16	17

DECLARATION: I do hereby declare that the details given above are correct to the best of my knowledge and belief.

Date:

Place:

Signature of Employer/ Contractor/ Owner of Establishment or his Authorized Representative.